

JORDAN ETH (CA SBN 121617)  
 JEth@mofo.com  
 JUDSON E. LOBDELL (CA SBN 146041)  
 JLobdell@mofo.com  
 MORRISON & FOERSTER LLP  
 425 Market Street  
 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 Facsimile: 415.268.7522

Attorneys for Defendants  
 SUNPOWER CORPORATION,  
 THOMAS H. WERNER, DENNIS V. ARRIOLA,  
 EMMANUEL T. HERNANDEZ, AND  
 MARTY T. NEESE

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

HARRY W. PLICHTA, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION,  
 THOMAS H. WERNER, and DENNIS V.  
 ARRIOLA,

Defendants.

Case No. CV-09-05473 CRB

CLASS ACTION

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING  
 CASE MANAGEMENT  
 CONFERENCE**

STEVEN PARRISH, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION,  
 THOMAS H. WERNER, and DENNIS V.  
 ARRIOLA,

Defendants.

Case No. CV-09-05520 CRB

CLASS ACTION

CHENGXIAO CAO, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION,  
PRICEWATERHOUSECOOPERS LLP,  
THOMAS H. WERNER, DENNIS V.  
ARRIOLA, EMMANUEL T. HERNANDEZ,  
and MARTY T. NEESE,

Defendants.

Case No.: CV-09-05488 CRB

CLASS ACTION

WHEREAS, the above-captioned actions are securities class action lawsuits, governed by the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737 (the “Reform Act”), against SunPower Corporation (“SunPower”), certain of its officers, and PricewaterhouseCoopers LLP (collectively “Defendants”);

WHEREAS, on January 19, 2010, seven motions for consolidation and for appointment as lead plaintiff and lead plaintiff’s counsel were filed (the “Lead Plaintiff Motions”);

WHEREAS, between January 28, 2010 and February 10, 2010, four movants withdrew their Lead Plaintiff Motions, and two movants, SunPower Investor Group and Austin Police Retirement System, responded to the various Lead Plaintiff Motions by stating their support for the Institutional Investor Funds’ Lead Plaintiff Motion;

WHEREAS, on February 12, 2010, the Institutional Investor Funds filed a Statement of Non-Opposition to their Lead Plaintiff Motion;

WHEREAS, by Court order entered on February 3, 2010, the joint case management statement in these actions is currently due February 26, 2010 and the Case Management Conference in these actions is currently scheduled for March 5, 2010;

WHEREAS, the Lead Plaintiff Motions are also scheduled to be heard by the Court on March 5, 2010;

1 WHEREAS, it is expected that the Court will designate a lead plaintiff who will  
2 thereafter file a Consolidated Complaint for the consolidated action, which will become the  
3 operative complaint and shall supersede all complaints previously filed in these actions; and

4 WHEREAS, it would be premature and a waste of judicial resources to hold the Case  
5 Management Conference in these actions before the Court designates a lead plaintiff and a  
6 Consolidated Complaint is filed.

7 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as  
8 follows:

9 (1) Within thirty days of the filing of a Consolidated Complaint by the lead plaintiff  
10 designated by the Court, the parties will meet and confer and propose to the Court a new date  
11 for the Case Management Conference.

12  
13 Dated: February 19, 2010

JORDAN ETH  
JUDSON E. LOBDELL  
MORRISON & FOERSTER LLP

14  
15  
16 By: /s/ Judson Lobdell  
JUDSON LOBDELL

17 Counsel for Defendants  
18 SunPower Corp., Thomas H. Werner,  
19 Dennis V. Arriola, Emmanuel T. Hernandez,  
20 and Marty T. Neese  
21  
22  
23  
24  
25  
26  
27  
28

1 Dated: February 19, 2010

LATHAM & WATKINS LLP  
MATTHEW RAWLINSON  
140 Scott Drive  
Menlo Park, CA 94025

2  
3  
4 MILES RUTHBERG  
355 South Grand Avenue  
Los Angeles, CA 90071

5  
6 By: /s/ Matthew Rawlinson  
MATTHEW RAWLINSON

7  
8 Counsel for Defendant  
PricewaterhouseCoopers LLP

9 Dated: February 19, 2010

10 BARROWAY TOPAZ KESSLER MELTZER  
& CHECK, LLP  
RAMZI ABADOU  
11 NICHOLE BROWNING  
ERIK D. PETERSON  
12 580 California Street, Suite 1750  
San Francisco, CA 94104

13  
14 By: /s/ Erik D. Peterson  
ERIK D. PETERSON

15 Counsel for [Proposed] Lead Plaintiff  
16 Institutional Investor Funds

17 Dated: February 19, 2010

18 BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP  
DAVID STICKNEY  
19 IAN D. BERG  
12481 High Bluff Drive, Suite 300  
San Diego, CA 92130

20  
21 By: /s/ David Stickney  
DAVID STICKNEY

22 Counsel for [Proposed] Lead Plaintiff  
23 Institutional Investor Funds

1 Dated: February 19, 2010

KAPLAN FOX & KILSHEIMER LLP  
LAURENCE D. KING  
MARIO M. CHOI  
350 Sansome Street, Suite 400  
San Francisco, CA 94104

2  
3  
4  
5 By: /s/ Laurence D. King  
LAURENCE D. KING

6 Counsel for [Proposed] Lead Plaintiff  
7 Institutional Investor Funds

8 Dated: February 19, 2010

BERMAN DeVALERIO  
JOSEPH TABACCO, JR.  
NICOLE LAVALLEE  
1 California Street, Suite 900  
San Francisco, CA 94111

9  
10  
11 By: /s/ Nicole Lavallee  
NICOLE LAVALLEE

12 Counsel for Austin Police Retirement  
13 System

14 Dated: February 19, 2010

KAHN SWICK & FOTI, LLC  
KIM E. MILLER  
500 5th Avenue, Suite 1810  
New York, NY 10110

16  
17 LEWIS KAHN  
650 Poydras Street, Suite 2150  
18 New Orleans, LA 70130

19 By: /s/ Kim Miller  
20 KIM MILLER

21 Counsel for the SunPower Investor Group

22  
23 ///

24 ///

\* \* \*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

1  
2 I, Judson Lobdell, am the ECF User whose ID and password are being used to file this  
3 Stipulation and [Proposed] Order Continuing the Case Management Conference. In compliance  
4 with General Order No. 45, X.B., I hereby attest that Matthew Rawlinson, Erik D. Peterson,  
5 David Stickney, Laurence D. King, Nicole Lavallee, and Kim Miller have concurred in this filing.

6 Dated: February 19, 2010

/s/ Judson Lobdell

JUDSON LOBDELL